MGJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

L.P.A.No. 23 of 2007
with
Civil Application No. 284 of 2005

Municipal Corporation of
Greater Mumbai ..Appellant

vs.

1. Shri Dayabhai Shambu Gala
and others ..Respondents

Shri A.J.Bhor i/b Shri S.H.Ujjainwala for appellant.
Shri A.D.Gala for respondent no.2.

CORAM: S.B.MHASE &
Smt.NISHITA MHATRE JJ.
27th February, 2007

P.C.

1. Heard the learned Counsel.

2. It is an admitted fact that written statement was filed after "No W.S." order was passed. The procedural law is prospective in application and after the amendment the appellant was under obligation to file the written statement within 90 days. Even the application for setting aside "No W.S." order was drafted in casual manner without giving sufficient cause for non filing the written statement within the stipulated statutory period. The learned single Judge has considered the Supreme Court Judgment and has

concluded that no exceptional circumstances have been made out for filing the delayed written statement more specifically after the period of 90 days and passing of the order of "No W.S.". No interference is called for. L.P.A. is rejected.

3. In view of rejection of the L.P.A. civil application does not survive and hence rejected.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**